

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
v.    )  
  )  
CHUONG TRAN                                 )  
  )  
Defendant                                    )

Criminal No.  
18 U.S.C. § 371  
(Klein Conspiracy)

**05 CR 10141 JLT**

**INFORMATION**

The United States Attorney charges that:

**COUNT ONE**

[18 U.S.C. §371]

(Conspiracy)

1. From on or about May 15, 1998, through on or about January 25, 2002, in the District of Massachusetts and elsewhere, the defendant,

**CHUONG TRAN**

and others known and unknown to the United States Attorney did knowingly, wilfully and unlawfully conspire, confederate and agree together to defraud the United States by impeding, impairing, obstructing and defeating the lawful Governmental functions of the Internal Revenue Service of the Treasury Department (hereafter, "IRS"), an agency and department of the United States, in the ascertainment, computation, assessment, and collection of revenue.

**INTRODUCTION**

2. At all times material to this Information, the Defendant, **CHUONG TRAN**, was a resident of Lowell or Fitchburg, Massachusetts, and was involved with others in the ownership, management, and

operation of a temporary employment business known as United Placement, Inc. ("United Placement").

3. United Placement was incorporated by **CHUONG TRAN** and another individual as a Massachusetts corporation on or about May 15, 1998. **CHUONG TRAN** was a shareholder of United Placement, was Vice President of United Placement at the time of incorporation, and later became President of United Placement.

4. United Placement had an office at 337 Westford Street, #4, Lowell, Massachusetts, operated from that location and others in the greater Lowell area, and was in the business of supplying temporary workers to client companies in the greater Lowell area.

MANNER AND MEANS BY WHICH THE  
CONSPIRACY WAS CARRIED OUT

The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

5. **CHUONG TRAN** and his co-conspirators operated United Placement in a way designed, and intended by them, to conceal United Placement's actual income, their own actual individual income, and their temporary employees' income from the IRS.

6. A primary purpose and objective of the conspiracy was to defraud the United States by impeding, impairing, obstructing and defeating the IRS in ascertaining, computing, assessing, and collecting revenue.

7. Among other things, **CHUONG TRAN** and his co-conspirators:

- A. recruited temporary workers, a substantial number of whom they knew and believed were receiving welfare or other forms of public assistance, and therefore wished to receive cash income that they would not report for income tax and other purposes;
- B. recruited the temporary workers to work at hourly wages lower than such workers would otherwise accept, based on their mutual understanding with the workers that United Placement would pay the wages in cash, and that those wages would not be subject to any withholdings and would not be reported to the IRS;
- C. placed numerous temporary workers at client companies, received payments for the workers' services from the client companies by check, and cashed those checks, using the cash to pay the temporary workers "under the table" without withholding for income taxes or otherwise; and
- D. prepared, filed, and caused to be prepared and filed, corporate Employer's Quarterly Federal Tax Returns and Employer's Annual Federal Unemployment (FUTA) Tax Returns on behalf of United Placement which substantially understated United Placement's number of employees, total wages and other

compensation paid to its employees, and amounts of taxes due.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, **CHUONG TRAN** and his co-conspirators committed the following overt acts, among others, in the District of Massachusetts and elsewhere:

8. On or about the dates set forth below, **CHUONG TRAN** and his co-conspirators filed and caused to be filed the following federal employment tax returns on behalf of United Placement, which returns were materially false in that, among other things, they substantially understated United Placement's number of employees, total wages and other compensation paid to its employees, and amounts of taxes due:

A. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 3/31/99, filed on or about 4/22/99.

B. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 6/30/99, filed on or about 7/29/99.

C. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 9/30/99, filed on or about 10/31/99.

D. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 12/31/99, filed on or about 1/28/00.

F. Form 940-EZ Employer's Annual Federal Unemployment (FUTA) Tax Return for the year ending 12/31/99, filed on or about 1/28/00.

G. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 3/31/00, filed on or about 4/27/00.

H. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 6/30/00, filed on or about 7/18/00.

I. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 9/30/00, filed on or about 10/31/00.

J. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 12/31/00, filed on or about 1/29/01.

K. Form 940-EZ Employer's Annual Federal Unemployment (FUTA) Tax Return for the year ending 12/31/00, filed on or about 1/29/01.

L. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 6/30/01, filed on or about 8/1/01.

M. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 9/30/01, filed on or about 10/27/01.

N. Form 941 Employer's Quarterly Federal Tax Return, for the quarter ending 12/31/01, filed on or about 1/25/02.

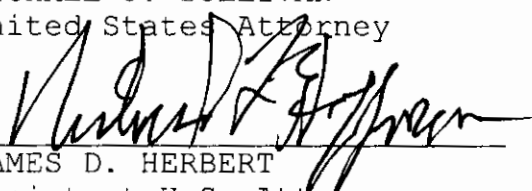
O. Form 940-EZ Employer's Annual Federal Unemployment (FUTA)  
Tax Return for the year ending 12/31/01, filed on or about 1/25/02.

All in violation of Title 18, United States Code, Section 371.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
JAMES D. HERBERT  
Assistant U.S. Attorney  
RICHARD L. HOFFMAN  
Special Assistant U.S. Attorney

Date: June 7, 2005

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## Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: D. Mass. Category No. II Investigating Agency IRSCity Lowell Related Case Information:

County Middlesex Superseding Ind./ Inf. \_\_\_\_\_ Case No. MBD 03-10321-935  
 Same Defendant X New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number \_\_\_\_\_  
 Search Warrant Case Number \_\_\_\_\_  
 R 20/R 40 from District of \_\_\_\_\_

## Defendant Information:

Defendant Name Chuong Tran Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 227 Walker Street, Apt. 1, Lowell, MA 01821Birth date (Year only): 1950 SSN (last 4 #): 8683 Sex M Race: Asian Nationality: Vietnamese

Defense Counsel if known: Lois M. Lewis, Esq. Address: 74 Fuller Terrace  
Newton, MA 02465

Bar Number: \_\_\_\_\_

## U.S. Attorney Information:

AUSA James D. Herbert & SAUSA Richard L. Hoffman Bar Number if applicable \_\_\_\_\_Interpreter: ☒ Yes ☐ No List language and/or dialect: Vietnamese or KhmerMatter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☒ Regular Process ☐ In Custody

## Location Status:

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_  
☐ Already in State Custody at \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial  
☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_

Charging Document: ☐ Complaint ☒ Information ☐ IndictmentTotal # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony One

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: June 7, 2005 Signature of AUSA: [Signature]

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District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Chuong Tran

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 371</u>	<u>Klein conspiracy</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: